United Nations A/HRC/35/27/Add.2

General Assembly

Distr.: General
4 April 2017

Original: English

Human Rights Council
Thirty-fifth session
6-23 June 2017
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to Georgia

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on the human rights of internally displaced persons on his follow-up visit to Georgia from 24 to 29 September 2016. The objective of the visit was to re-examine the human rights situation of internally displaced persons and to follow up on the visit the Special Rapporteur conducted in 2013 and on the visits of the Representative of the Secretary-General on the human rights of internally displaced persons, in 2005, 2008, 2009 and 2010.

Although the Government of Georgia has made considerable progress in providing durable solutions for all internally displaced persons and in addressing the issue of those displaced by disasters, the Special Rapporteur encourages the Government to review its approach to addressing internal displacement and find alternative ways of supporting internally displaced persons that allow for ending "internally displaced person status" and the inheritance thereof, in line with international standards. Moreover, further efforts to improve the living conditions and livelihoods of internally displaced persons remain necessary.

One of the main obstacles to the achievement of durable solutions is the coiled razor wire fences along the administrative boundary line of the Tskhinvali region/South Ossetia, Georgia, which continue to deprive internally displaced persons and communities affected by displacement of freedom of movement and choice of residence, creating tangible obstacles to their access to land, property, water and livelihoods. In relation to Abkhazia, Georgia, the Special Rapporteur particularly stresses that access to documentation must be guaranteed to all returnees in order for them to enjoy their rights, including freedom of movement. Documentation should therefore be issued to those affected at the earliest opportunity in a transparent and accountable manner.

In that connection, the Special Rapporteur calls upon all parties to approach durable solutions from a humanitarian and development perspective and to take all necessary measures to ensure that all internally displaced persons can exercise their right to make a free and informed decision as to whether to return voluntarily to their homes in safety and dignity, to integrate locally or to resettle elsewhere in the country.

GE.17-05397(E)

Please recycle

Report of the Special Rapporteur on the human rights of internally displaced persons on his follow-up mission to Georgia*

I. Introduction

1. In accordance with his mandate contained in Human Rights Council resolution 32/11 and at the invitation of the Government of Georgia, the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani,[1] conducted an official follow-up visit to Georgia from 24 to 29 September 2016. The objective of the visit was to re-examine the human rights situation of internally displaced persons and to follow up on the visit he conducted in 2013 and on the visits of his predecessor, the Representative of the Secretary-General on the human rights of internally displaced persons, in 2005, 2008, 2009 and 2010.

2. During his five-day visit, the Special Rapporteur met with the Minister and First Deputy Minister for Foreign Affairs; the Minister and Deputy Minister for Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees; the State Minister and First Deputy Minister for Reconciliation and Civic Equality; the Public Defender; the United Nations Resident Coordinator; and representatives of the United Nations system and of civil society. He also met with internally displaced persons in collective centres and private accommodation to hear directly from them about their situation and their preferred solutions.

3. The Special Rapporteur visited Tbilisi and also travelled to Khurvaleti, Nikozi, Zugdidi and Rukhi. He regrets that he was unable to visit Abkhazia, Georgia, as his request to do so was not granted by the authorities in control there.[2] He was given to understand that the timing of the mission was difficult for the authorities in control to accommodate, which prevented him from witnessing the situation at first-hand. Nonetheless, he was able to meet with internally displaced persons who had returned at the Khurcha and Inguri bridge[3] crossing points, so as to learn from those primarily concerned of the challenges they face.

4. The Special Rapporteur wishes to express his gratitude to the Government of Georgia for its continuing cooperation and the constructive dialogue in which he was able to engage with the authorities he met. He would also like to sincerely thank the Office of the United Nations High Commissioner for Refugees (UNHCR) for ably coordinating his visit to Georgia. He is grateful for all the logistical, administrative and substantive support he received, which facilitated the conduct of the visit. Lastly, he is also grateful to all his interlocutors, especially internally displaced persons, who kindly shared their experiences and different perspectives with him. He looks forward to a fruitful and continued dialogue with the Government and other stakeholders on the implementation of the recommendations contained in the present report.

5. In his report, the Special Rapporteur aims to provide an updated assessment of the human rights situation of internally displaced persons in Georgia. An updated overview of the legal framework for the protection of the human rights of internally displaced persons and an analysis of the challenges and progress made in that regard, and in relation to the overall response to internal displacement, are provided in section II. In section III, the

---

* Circulated in the language of submission only.

[1] Chaloka Beyani completed his term as Special Rapporteur on 31 October 2016. Cecilia Jimenez-Damary was appointed Special Rapporteur on the human rights of internally displaced persons by the Human Rights Council in September 2016 and assumed the mandate on 1 November 2016.

[2] All references are consistent with the language used in the report of the Secretary-General on the status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia (A/70/879).

[3] Ibid.

Special Rapporteur discusses current opportunities and challenges for an integrated approach to the situation of internally displaced persons and the obstacles to achieving durable solutions to displacement. In section IV he sets out his findings and action-oriented recommendations for the Government of Georgia, the authorities in control in Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, civil society, the international community and internally displaced persons.

II. Legal protection

6. The Special Rapporteur welcomes the steps taken by the Government of Georgia to strengthen the legal framework for the protection of the human rights of internally displaced persons. A draft law, which was being prepared at the time of his previous visit in 2013, was subsequently adopted in February 2014 and entered into force on 1 March 2014, abrogating the 1996 law of Georgia on forcibly displaced persons-persecuted persons.

7. The main changes for internally displaced persons introduced in the new law include an increase in the monthly allowance for internally displaced persons to 45 lari; suspension of the allowance if the taxable income of an internally displaced person amounts to 1,250 lari or more; elimination of the differentiation between internally displaced persons in "compact" and "private" accommodation, so that all such persons receive an equal allowance; full protection of internally displaced persons from evictions from premises of which they are the legal owners; a simplified procedure for granting "internally displaced person status"; a new definition of the concept of family in order to respect the right to family unity; recognition of the right to restitution of property belonging to internally displaced persons in the occupied territory and the right to inherit it; and the introduction of guarantees for the integration of internally displaced persons into other parts of the country before their return to their places of permanent residence.[4]

8. As documented in his previous report, the Special Rapporteur appreciates the fact that the new law seeks to address some of the main concerns reiterated by his predecessor regarding the protection of internally displaced persons (A/HRC/26/33/Add.1). The political will demonstrated by the Government of Georgia and the relevant stakeholders in addressing gaps in the national legislation on internally displaced persons and ensuring its compliance with international standards continues to be recognized and the new law contains several important provisions that align the Georgian legal framework on internally displaced persons with the Guiding Principles on Internal Displacement.

9. While noting that the definition of an internally displaced person is exclusive to situations of forced displacement as a result of the occupation of territory by a foreign State, aggression, armed conflict, mass violence and/or massive human rights violations, the Special Rapporteur welcomes the adoption by the Government of Georgia of the normative act on the approval criteria for the accommodation of persons affected by and displaced as a result of natural disasters and its amendment in 2015, which identified the circumstances in which a family is considered an "eco-migrant".[5] However, the Special Rapporteur encourages the Government to develop and adopt legislation for persons known as "eco-migrants" because they have been displaced as a result of environmental changes, to define the rights and guarantees for legal, economic and social protection for persons who have been internally displaced owing to natural and human-induced disasters, in accordance with applicable international standards.

10. In order to support the implementation of the law on internally displaced persons, in 2007 the Government endorsed a strategy that signalled an important shift in government

[4] See http://mra.gov.ge/eng/static/3421. Article 4 of the 2014 law of Georgia on internally displaced persons — persecuted from the occupied territories of Georgia defines the permanent place of residence of an internally displaced person as "a place selected for residence by an IDP, his/her displaced parent(s) or his/her lineal relative of ascending generation from where he/she, his/her parent(s) or his/her lineal relative of ascending generation were displaced and where he/she cannot return due to the reasons referred to in paragraph 1, article 6 of this Law".

[5] Ministerial decree No. 779 13/11/2013.

policy from temporary assistance to a focus on providing longer-term opportunities for integration. The strategy was accompanied by various action plans (for the periods 2009-2012, 2012-2014 and 2015-2016), formulating in more detail the activities to be implemented to achieve the objectives of the strategy. The current action plan sets three main goals for the State: (a) to improve the living conditions of internally displaced persons by providing durable housing solutions; (b) to improve livelihoods and socioeconomic integration; and (c) to raise awareness among internally displaced persons of the services available to them.[6]

III. From status-based to needs-based approaches

11. In 2013, the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees carried out a new registration exercise for all internally displaced persons in order to update information in its database on internally displaced persons regarding the numbers, places of residence and family composition for all such persons, with a view to addressing their specific needs and finding durable solutions for them, and improving the policy planning process. Internally displaced persons were still able to register at the central office of the Ministry in Tbilisi until 1 April 2014. Following the end of the registration exercise, they can still register by contacting the hotline at the Ministry to schedule an appointment for registration. In addition, according to the rules in the legislation, the Ministry periodically carries out registration of internally displaced persons for data optimization.[7]

12. According to the Government, 272,049 persons remained internally displaced in Georgia as at the end of September 2016.[8] The number of internally displaced persons has continued to increase annually, due to the registration of new internally displaced persons, including returnees (mainly migrants), from other countries and children born to at least one internally displaced parent, given that under the current legislation "internally displaced person status" descends from one generation to the next. That should be brought into line with international standards.

13. The Special Rapporteur stresses that the notion of who is an internally displaced person does not connote a legal status. Internally displaced persons remain citizens or habitual residents of their particular State and are entitled to protection and assistance on that basis alone, as stated in the Guiding Principles on Internal Displacement. While noting that the "internally displaced person status" provided for in Georgian law has a strong value that is linked to return for displaced persons in Georgia and many wish to retain it, the Special Rapporteur emphasizes that a better approach would be the transition from legal status to needs-based responses, as proposed by the Government, which would allow for the inheritance of "internally displaced person status" to be ended and enable needs-based approaches to durable solutions for internally displaced persons in Georgia. In that regard, as is clearly stated in the 2010 Inter-Agency Standing Committee framework on durable solutions for internally displaced persons: "An IDP's choice of local integration or settlement elsewhere in the country, in the absence of the option to return, must not be regarded as a renunciation of his/her right to return should that choice later become feasible." According to the framework, internally displaced persons should be considered as such until they can enjoy their rights without discrimination and do not have any protection issues or assistance needs related to the displacement of their family.[9]

14. A rights-based approach, with rights supplementing the proposed shift by the Government of Georgia to a needs-based approach to its response, would still retain the purpose that the "internally displaced person status" was intended to safeguard, namely the

[6] By late 2016, the Ministry for Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees was preparing an action plan for the period 2017-2018.

[7] Based on a paper shared by the Government of Georgia with the Special Rapporteur on the human rights of internally displaced persons on 24 September 2015.

[8] Ibid.

[9] Available from www.**Error! Hyperlink reference not valid.**.

right of return.[10] In that context, a comprehensive assessment and analysis of the circumstances of internally displaced persons based on the Inter-Agency Standing Committee framework would therefore help to inform national policies and programmes, as well as more efficiently target those who still have clear displacement-related needs, while mitigating the rise in numbers of internally displaced persons, which is a result of the fact that "internally displaced person status" can be inherited. Such a comprehensive evidence base would also inform area-based solutions, emphasizing the role of regions and municipalities and the need for strengthening their capacity so that they can adequately integrate internally displaced persons in existing service programmes for the population at large.

15. As the current action plan for internally displaced persons is coming to an end, the preparation of the action plan for 2017-2018 offers an opportunity to elaborate further the steps the Government of Georgia should take to continue its gradual transition from status-based to needs-based responses.[11] The Special Rapporteur recommends that this process is carried out in a way which is transparent, consultative and inclusive of all relevant stakeholders, including civil society, international organizations and internally displaced persons themselves, as provided for in the relevant law. He encourages the Government to continue to share information relating to its ongoing initiatives and other relevant measures with internally displaced persons, to consult with them and enable their participation in decisions affecting them.

IV. Search for durable solutions for internally displaced persons: progress made and remaining challenges

16. While durable solutions for internally displaced persons should continue to be approached from a humanitarian and development perspective, the continuing absence of a political solution to the unresolved conflict remains a major obstacle to achieving durable solutions for internally displaced persons from Abkhazia, Georgia, and from the Tskhinvali region/South Ossetia, Georgia. The Special Rapporteur reiterates the recommendation made in previous reports of the mandate and calls upon all parties to take all necessary measures to ensure that all internally displaced persons can exercise their right to make a free and informed decision as to whether to return voluntarily to their homes in safety and dignity, to integrate locally or to resettle elsewhere in the country.

17. In that context, the Special Rapporteur welcomes the survey on the intentions of internally displaced persons carried out by UNHCR in 2014. The survey showed that 88.3 per cent of respondents wished to return voluntarily to their area of origin under conditions perceived as favourable. However, in the absence of such conditions, 57.3 per cent felt fully integrated and 33.3 per cent felt partially integrated into where they were living at the time, indicating that housing and livelihoods were their main concerns.

18. As highlighted in his previous mission report, the Special Rapporteur welcomes and commends the efforts of the Government to provide durable housing to internally displaced persons, which has remained a high priority. According to governmental sources, in the period from 2013 to 2016, internally displaced persons were provided with 4,112 newly constructed or rehabilitated housing units. In the same period, the Ministry for Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees also allocated finance for purchasing 2,406 housing units for internally displaced persons, including rural housing projects that combine the provision of shelter with agricultural land, and continued its efforts towards privatization. Moreover, at the time of the visit, about 4,017 internally displaced persons had received one-time monetary support from the Ministry in 2016 and 1,207 internally displaced families had had their rental costs covered.

[10] Government of Georgia, 2007 strategy for internally displaced persons and action plan for the period 2014-2016.

[11] According to information provided by the Government in March 2017, the proposed action plan for the period 2017-2018 includes adapting the internally displaced person allowance to their needs and involving internally displaced persons in State social insurance programmes.

In total, some 40 per cent of internally displaced persons are reported to have already received durable housing.

19. The Special Rapporteur also notes with satisfaction the efforts of the Government to establish transparent procedures for the allocation of durable housing to internally displaced persons, based on vulnerability criteria jointly developed with non-governmental stakeholders (although reportedly there are still concerns about the selection process), and the improved quality of housing provided to internally displaced persons, such as he witnessed at the Tbilisi Sea complex.

20. However, a number of issues remain to be addressed. The Special Rapporteur emphasizes that there is an urgent need to continue to improve the living conditions of internally displaced persons in some collective centres, for example for those whom he visited in a non-rehabilitated collective centre in Zugdidi. Moreover, the living conditions of internally displaced persons who reside in private accommodation are often as bad as, or even worse than, those of persons residing in collective centres. Considering overall needs and the fact that every registered internally displaced person is entitled by law to a durable housing solution, such solutions remain limited, despite the efforts of the authorities, and the Government struggles to find sufficient funds in the State budget for this purpose.

21. While access to adequate housing remains a fundamental component of durable solutions for internally displaced persons, other aspects must also be addressed for a durable solution to be achieved.[12] The Inter-Agency Standing Committee framework indicates that particular attention should be paid to the following areas: access to employment and livelihoods; access to quality education, medical and social services (as key components of an adequate standard of living, together with housing); safety, security and freedom of movement; and access to effective mechanisms that restore housing, land and property or provide compensation.

22. The Special Rapporteur notes the adoption of a livelihood action plan for internally displaced persons for the period 2016-2017 and the establishment within the Ministry for Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of the Livelihood Legal Entity of Public Law. It is important to improve the livelihoods of internally displaced persons and to include them in different State programmes run by the relevant ministries and governmental bodies. That is essential, as employment and income security remain among the most pressing issues for internally displaced persons. During the Special Rapporteur's meetings with internally displaced persons, many mentioned that their only source of income was the allowance for internally displaced persons they received from the Government. A World Bank study on the subject showed that although there are no significant differences in poverty levels between internally displaced persons and others, differences persist in unemployment and income security, confirming the higher dependence of internally displaced persons on social transfers such as pensions, scholarships, social assistance and remittances.[13]

23. However, the impact of these government initiatives has been limited. The Special Rapporteur stresses that strengthening the efficiency and effectiveness of government initiatives in support of the livelihoods and employment-generating activities of internally displaced persons, particularly those that are community-based, remains fundamental. Moreover, further efforts are needed to ensure that internally displaced persons have equal information and opportunities for accessing all available services, including by promoting better outreach and awareness-raising among internally displaced persons regarding the services available to them, in addition to the specific assistance they receive.

24. The Special Rapporteur also encourages the donor community to continue to provide funding and support for initiatives aimed at supporting durable solutions, particularly

[12] In its framework on durable solutions for internally displaced persons, the Inter-Agency Standing Committee states: "A durable solution is achieved when internally displaced persons no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement."

[13] World Bank, "Supporting the livelihoods of internally displaced persons in Georgia" (May 2013).

through integrated humanitarian and development approaches. As he pointed out in his previous report, the Government should also redouble its efforts to integrate the needs of internally displaced persons into national, regional and local development plans that are sensitive to displacement issues.

25. While progress has been made towards the local integration and settlement elsewhere of internally displaced persons, pending their return to areas of habitual residence, the Special Rapporteur expresses his concern that the majority of the internally displaced from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, have been unable to return to their homes. Their prospects for return remain poor for several reasons, including obstruction and concerns for their security.

26. One of the main obstacles to the achievement of durable solutions is the coiled razor wire fences along the administrative boundary line of the Tskhinvali region/South Ossetia, Georgia, which continue to deprive internally displaced persons and communities affected by displacement of freedom of movement and of choice of residence, creating tangible obstacles to their access to land, property, water and livelihoods. Monitoring missions have observed that although the installation of fences has decreased since 2013, obstacles to freedom of movement and the choice of place of residence continue to be placed along the administrative boundary line, including so-called State border signs, watchposts and surveillance equipment (see A/70/879, para. 21).

27. The Special Rapporteur was informed that an estimated 50,000 internally displaced persons had spontaneously returned to their homes in the Gali, Ochamchire or Tkvarcheli districts, Georgia, and that they had maintained their legal status as internally displaced persons and continued to receive the related allowances. The Special Rapporteur regrets that those returnees continue to face difficult living conditions, including housing and livelihood issues. He met with some of them at the Khurcha and Inguri bridge crossing points and they shared their experiences and most pressing concerns, particularly the lack of access to documentation which affects many (estimates indicate that roughly half of the population of Gali is either undocumented or holds only temporary documentation in the shape of form No. 9). That has an extremely negative impact on a wide variety of rights: recognition as a person before the law, freedom of movement and access to employment and services, such as health care, education and social security.

28. Other major concerns the Special Rapporteur wishes to highlight relate to detention for "illegal" crossing of the dividing line, the closure of two crossing points in 2016 and the risk that more will be closed in the near future,[14] and the progressive change of language of instruction in lower and upper schools in Gali from Georgian to Russian, in a situation in which many teachers and students lack proficiency in Russian. That is likely to cause secondary displacement by effectively pushing Georgian-speakers out from those areas.

29. The Special Rapporteur also stresses that all possible measures have to be taken to ensure sustained and effective, free and unhindered access and space for the international actors concerned in relation to Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, so that durable solutions can be pursued and supported in a comprehensive manner.

V. Conclusions and recommendations

30. **The Special Rapporteur commends the continuing commitment by the Government of Georgia and acknowledges its progress in the search for durable solutions for all internally displaced persons. Nevertheless, further joint efforts are necessary to overcome the obstacles to durable solutions. Based on his observations and the information made available to him, the Special Rapporteur presents the following conclusions and recommendations.**

[14] The Special Rapporteur was informed by the Government of Georgia that, contrary to his recommendations, two additional crossing points were closed on 5 March 2017.

31. The Special Rapporteur encourages the Government of Georgia to review its approach to addressing internal displacement and intensify its efforts to protect the rights of all internally displaced persons, including those displaced in the early 1990s and in 2008, and assist them on the basis of their needs and rights, rather than their "internally displaced person status", which is not provided for in international law. The Special Rapporteur recommends that alternative ways of supporting internally displaced persons be found that allow for ending that status and the inheritance thereof, in line with international standards.

32. As the action plan to implement the State strategy on internally displaced persons for the period 2015-2016 is coming to an end, the preparation of the action plan for the period 2017-2018 offers an opportunity for the Government to identify concrete steps for the proposed gradual shift to a needs-based approach, with rights supplementing such a shift by the Government of Georgia, therefore retaining the purpose that the "internally displaced person status" was intended to safeguard. It is crucial that such a process is inclusive and participatory and that civil society, international organizations and internally displaced persons are fully consulted on this matter. The Government should also commit to conducting a serious information campaign to convince internally displaced persons that "internally displaced person status" is not necessarily a precondition for their enjoyment of rights.

33. The Special Rapporteur notes that, in this context, a comprehensive analysis and assessment of the circumstances of internally displaced persons based on the Inter-Agency Standing Committee framework on durable solutions would therefore help to inform and tailor national policies and programmes, as well as more efficiently targeting those who still have clear needs related to displacement, while mitigating the rise in the numbers of internally displaced persons, which is a result of the fact that "internally displaced person status" can be inherited. The Special Rapporteur notes that the Government has not yet adopted a new law on eco-migrants and he encourages it to ensure that the proposed draft law defines the rights of persons internally displaced as a result of disasters and the guarantees for their legal, economic and social protection, in accordance with international standards.

34. The Special Rapporteur commends the continuing commitment by the State authorities to improving the living conditions of internally displaced persons by providing durable housing to all those who were internally displaced. However, there is an urgent need to improve the living conditions of internally displaced persons who are still living in deplorable conditions, whether in collective centres or private accommodation. He urges the Government to take all necessary measures to guarantee adequate living conditions to all internally displaced persons in conformity with the Guiding Principles on Internal Displacement. In that connection, he also urges the Government to develop a plan for the closure of the remaining 58 centres with "collapsing collective centre" status, while ensuring that the list of such centres is comprehensive and complete.

35. The Special Rapporteur commends the Government and, in particular, the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees for the efforts made to provide new housing for internally displaced persons affected by the conflicts in the 1990s and in 2008. It is important that solutions for shelter be made durable through a needs-based approach. In that regard, he encourages the Government to continue investing beyond infrastructure to strengthen the efficiency and effectiveness of its initiatives in support of the livelihoods and employment-generating activities of internally displaced persons, particularly those that are community-based.

36. The Special Rapporteur recommends that the Government increase its efforts to integrate the needs of internally displaced persons into national, regional and local development plans and initiatives that are sensitive to displacement issues. In order to do that, it is paramount to secure a serious commitment from all Government counterparts to the mainstreaming of the needs of internally displaced persons in such plans and initiatives, while redoubling government efforts to allocate sufficient State budget resources to development efforts that include internally displaced persons. The

Special Rapporteur expresses the hope that the donor community will continue to provide funding and support for initiatives aimed at supporting durable solutions, particularly through integrated humanitarian and development approaches.

37. **The Special Rapporteur encourages the Government to continue to share information relating to its ongoing initiatives and other relevant measures with internally displaced persons, international partners and civil society. He also encourages the Government to consult with internally displaced persons and facilitate their involvement in decisions affecting them. That is of the utmost importance in establishing the conditions and means for achieving durable solutions for internally displaced persons in safety and dignity, based on their informed and voluntary choice of durable solutions.**

38. **The Special Rapporteur urges the Government to ensure the full and effective enjoyment of the human rights of internally displaced persons, in particular women, to access land and property. Moreover, the enjoyment of internally displaced persons of the right to housing, land and property is an essential component of the building of durable solutions. The Special Rapporteur reminds the Government that internally displaced persons are entitled to restitution of or compensation for their property, regardless of whether they choose to return, integrate locally or resettle elsewhere.**

39. **The Special Rapporteur continues to strongly condemn the installation of the coiled razor wire fence along the administrative boundary line of the Tskhinvali region/South Ossetia, Georgia, and calls on those responsible for installing the fence to stop the process and remove all such barriers. The Special Rapporteur recommends that the Government continue to ensure effective monitoring of the protection of the human rights of the internally displaced persons concerned. Furthermore, the Special Rapporteur recommends that the Government of Georgia and the authorities in control in South Ossetia ensure the full enjoyment of the human rights of those internally displaced persons, including the rights relating to freedom of movement and access to property and livelihoods.**

40. **The Special Rapporteur particularly stresses in relation to Abkhazia, Georgia, that access to documentation must be guaranteed to all returnees in order for them to enjoy their rights, including freedom of movement. Documentation should therefore be issued to those affected at the earliest opportunity in a transparent and accountable manner.**

41. **The Special Rapporteur calls upon all parties to approach durable solutions from a humanitarian and development perspective and to take all necessary measures to ensure that all internally displaced persons can exercise their right to make a free and informed decision as to whether to return voluntarily to their homes in safety and dignity, to integrate locally or to resettle elsewhere in the country. Interim measures should be taken without delay to reduce the worrying documentation gap and the vulnerability of returnees, coupled with rights-based long-term solutions.**

42. **The Special Rapporteur also stresses that all possible measures have to be taken to ensure sustained and effective, free and unhindered access and space for the international actors concerned in relation to Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, so that durable solutions can be pursued and supported in a comprehensive manner.**